UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.7/1995/10
20 October 1994

ORIGINAL: ENGLISH

COMMISSION ON NARCOTIC DRUGS
Thirty-eighth session
14-23 March 1995
Item 5 of the provisional agenda*

ILLICIT DRUG TRAFFIC AND SUPPLY, INCLUDING REPORTS FROM SUBSIDIARY BODIES AND EVALUATION OF THEIR ACTIVITIES

Evaluation of the functioning of the subsidiary bodies of the Commission

Note by the Secretariat

Summary

Pursuant to a request made at its thirty-seventh session, the present document has been prepared by the United Nations International Drug Control Programme (UNDCP) to assist the Commission in evaluating the activities of its subsidiary bodies. The report examines the methods of work of those bodies, the impact of their recommendations, their composition and the periodicity of their meetings. In addition, the manner in which the Commission reviews action by its subsidiary bodies is reviewed. The Commission may wish to give new or additional directives to UNDCP, particularly with respect to paragraphs 3, 4, 6, 7, 11, 16 and 20.

*E/CN.7/1995/1.

V.94-27213

CONTENTS

	Paragraphs	Page
INTRODUCTION	1	3
I. WORKING METHODS OF THE SUBSIDIARY BODIES	2-4	3
II. IMPACT OF RECOMMENDATIONS BY THE SUBSIDIARY BODIES	5-7	4
III. COMMISSION REVIEW OF ACTION BY THE SUBSIDIARY BODIES	8-11	4
IV. PERIODICITY OF MEETINGS OF THE SUBSIDIARY BODIES	12-16	5
V. COMPOSITION OF SUBSIDIARY BODIES	17-20	6

INTRODUCTION

1. In response to the need for closer cooperation and coordination in drug law enforcement matters at the regional level, the Commission on Narcotic Drugs has, over the years, established five subsidiary bodies. The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East and the meetings of Heads of National Drug Law Enforcement Agencies (HONLEA), Asia and the Pacific, were the first subsidiary bodies to be established, in accordance with Economic and Social Council resolutions 1776 (LIV) of 18 May 1973 and 1845 (LVI) of 15 May 1974, respectively. The need for similar coordination mechanisms in other regions gradually led to a global network of HONLEA meetings. HONLEA, Africa, was established in 1985, HONLEA, Latin America and the Caribbean, in 1987, and HONLEA, Europe, in 1990, in accordance with Council resolutions 1985/11 of 28 May 1985, 1987/34 of 26 May 1987, and 1990/30 of 24 May 1990, respectively. At its thirty-seventh session, the Commission requested the United Nations International Drug Control Programme (UNDCP) to submit an evaluation of the functioning of its subsidiary bodies to the Commission at its thirty-eighth session.[1]

I. WORKING METHODS OF THE SUBSIDIARY BODIES

2. The working methods of the subsidiary bodies have evolved over the years and now focus on the identification of priority issues impeding drug law enforcement coordination at the regional level and the adoption of concerted countermeasures. Subsidiary bodies normally meet for five working days and first examine the current situation and the most recent trends in illicit drug trafficking in the region concerned. Following the review of the status of implementation of recommendations adopted at previous meetings, the subsidiary body then proceeds to the establishment of ad hoc working groups, usually three to five, to discuss the most pertinent regional drug law enforcement issues identified. The length of meetings of the working groups depends on the scope of the topic under discussion and ranges from half a day to two full days. Working groups occasionally break into smaller groups to examine the issues from subregional perspectives. The discussions of working groups result in the formulation of practical recommendations for action at government level. Results of the deliberations of working groups are presented to the plenary for approval.

3. The manner in which meetings are conducted has generally been well received. The examination of the current situation is viewed as an important means of obtaining a focused, in-depth picture of the current situation regarding trends in the illicit traffic, as perceived and reported by the various countries in the region, and is a basic source of information on the illicit traffic available to the Commission on Narcotic Drugs. To avoid allocating too much time to the presentation of general statements on the current drug-trafficking situation, participants submit to the meeting a written summary of the situation in their countries. The secretariat has also discouraged the practice of general statements by allocating less time to the agenda item and by encouraging Governments to take the floor only to present novel current trends not already reflected in country reports. In addition, although HONLEA meetings are supposed to emphasize operational activities, a number of participants have pointed out that some delegations are not led by operational heads of police or customs authorities, but rather by members of other ministries. Although the composition of delegations is obviously a matter for each participating State to decide, such an occurrence warrants mention in the present evaluation.

4. The working-group approach seems to have been successful. It allows issues to be discussed in an informal and confidential setting which is particularly appreciated when sensitive matters are examined. Good preparation of the working group topics by UNDCP, often assisted by the Customs Cooperation Council (CCC), the International Criminal Police Organization (ICPO/Interpol) and key resource persons from Governments, has also played an important role. Topics to be discussed by the

working groups are generally determined well in advance of the meeting, utilizing to the fullest extent possible the law enforcement expertise available in the UNDCP Field Office network in the region concerned. Audiovisual or case presentations are arranged to guide the working groups in their deliberations and to stimulate active exchanges between law enforcement agencies.

II. IMPACT OF RECOMMENDATIONS BY THE SUBSIDIARY BODIES

5. In order to evaluate the impact of recommendations adopted at meetings of the subsidiary bodies, it is essential to ascertain the degree to which those recommendations have been implemented. As mentioned above, the status of implementation of such recommendations is examined under a separate agenda item at each meeting. To enable Governments to report on the action taken, the secretariat prepares a questionnaire in which participants are asked to identify the degree to which the recommendations adopted at the previous meeting have been put into practice. Questionnaires are mailed to participants shortly after the close of a meeting and to participants who are to attend the following meeting.

6. A large number of participants do not return questionnaires on the implementation of the recommendations on time, making preparation of meaningful background documents on that agenda item difficult. In addition, meetings have occasionally not addressed the question of implementation of recommendations at all in view of the limited time available and the absence of data on implementation. That tends to hamper meaningful evaluation and follow-up action. Recently, however, there has been growing agreement that monitoring of the implementation of recommendations is an important means of gauging the progress made and problems encountered in implementing them. UNDCP has made an increased effort to ensure follow-up action, particularly by using UNDCP Field Offices in the regions concerned. As a result, the response rate for the Seventh Meeting of HONLEA, Africa, was significantly higher. Such action should be continued in order to provide UNDCP, the Commission and the subsidiary bodies themselves with the means of evaluating progress at the regional level.

7. The introduction of meetings of HONLEAs in all regions during the late 1980s and the insistence by Governments on maintaining an annual cycle of such meetings (except in Europe - see paragraph 15 below) would seem to evidence their usefulness. Meetings of the subsidiary bodies have fostered closer cooperation between drug law enforcement agencies at the regional and subregional levels, and the importance of regular contacts and exchanges on a formal or informal basis should not be underestimated. It is, however, difficult to quantify those results. Only in a very few cases can certain quantifiable events (such as a large amount of drugs seized) be directly attributed to cooperation between law enforcement agencies resulting from meetings of the subsidiary body.

III. COMMISSION REVIEW OF ACTION BY THE SUBSIDIARY BODIES

8. The discussions of the most recent trends in illicit traffic in the different regions and the recommendations adopted at the meetings of the subsidiary bodies are brought to the attention of the Commission, which reviews the issues raised, and endorses, where appropriate, the recommendations of the meetings.

9. The Commission may also suggest ways of further improving the working methods of the subsidiary bodies, and thus their efficiency. In a draft resolution submitted to and adopted by the Council (resolution 1992/29 of 30 July 1992), the Commission settled questions of periodicity, composition and other administrative matters, such as the venues of future meetings.

10. The Commission has also discussed the focus of the meetings of the subsidiary bodies. The suggestion was made that subsidiary bodies should also cover judicial cooperation,[2] including an analysis of problems hampering the practical implementation of certain provisions contained in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[3] Such issues as, for instance, the provisions of the 1988 Convention concerning controlled delivery or money-laundering have since been examined in ad hoc working groups. Although some representatives have argued that the focus of meetings of the subsidiary bodies on drug law enforcement was inconsistent with the strategy of UNDCP, which was based on a balanced approach giving equal importance to drug law enforcement and to the reduction of illicit drug demand, the majority of representatives at the Commission meetings have agreed that current meetings of the existing subsidiary bodies should maintain their focus on technical drug law enforcement issues.

11. Although the Commission has discussed general issues relating to the conduct and the mandate of meetings of the subsidiary bodies, it rarely comments on substantive issues raised at those meetings. It is invited to consider examining law enforcement matters more closely, with a view to making better use of the experiences reflected in the reports of the subsidiary bodies, particularly under the agenda item on illicit drug traffic and supply, including reports from subsidiary bodies and evaluation of their activities. The top-down approach from the Commission to the subsidiary body, which involves asking the subsidiary bodies to examine certain drug control issues raised in General Assembly resolution 48/12 of 28 October 1993, is a new approach, and results should be carefully monitored. There is also no reason why such an approach should not work the other way round, that is, from the subsidiary body to the Commission.

IV. PERIODICITY OF MEETINGS OF THE SUBSIDIARY BODIES

12. Since the First Meeting of HONLEA, Asia and the Pacific, was held in 1974, a total of eighteen meetings have been held to date. The first meetings of HONLEA, Africa, and HONLEA, Latin America and the Caribbean, were both held in 1987. HONLEA, Africa, has held seven meetings and HONLEA, Latin America and the Caribbean, has held six. HONLEA, Europe, has met twice, in 1990 and 1993, and the third meeting is scheduled for 1995. The standard procedure has been for HONLEA meetings to sit for five working days.

13. Under its original 1973 terms of reference, the Subcommission was to meet once a year at Geneva (then headquarters of its secretariat, the former Division of Narcotic Drugs) and to undertake an annual study tour in the territories of the regional members. Study tours were discontinued in 1979. In Council resolution 1988/14 of 25 May 1988, it was decided that the Subcommission should continue to meet annually at a capital in the region, whenever possible, and at the United Nations Office at Vienna prior to the regular or special sessions of the Commission. At its twenty-eighth session, held at Tehran in November 1991, the Subcommission examined the question of the periodicity and duration of its sessions, and concluded that in future it would be preferable to meet for a period of five working days in one of the countries of the region, and that the second annual meeting at Vienna should be discontinued.

14. The Council, in its resolution 1992/28 of 30 July 1992, confirmed that procedure and decided that in future the Subcommission should in principle meet annually for a period of five days in one of the countries covered by the region. In that resolution, the Council also confirmed that all HONLEA meetings (except for those of HONLEA, Europe) should continue to meet annually in a country of each region.

15. With respect to the frequency of meetings of HONLEA, Europe, the Council, in its resolution 1993/36 of 27 July 1993, invited the Executive Director of UNDCP to convene the Third Meeting of HONLEA, Europe, in 1995, and thereafter to convene such meetings every three years under the auspices of UNDCP. The resolution further invited the Executive Director to continue to develop cooperation between UNDCP, CCC and ICPO/Interpol. In that connection, it has been agreed that CCC and ICPO/Interpol are invited to attend meetings of the subsidiary bodies as special observers. In addition, both organizations are fully integrated into working groups and plenary sessions through audiovisual and other pre-arranged presentations in their respective areas of expertise.

16. The periodicity and functioning of the subsidiary bodies thus have been reviewed and confirmed through relatively recent action by the Commission and the Council.

V. COMPOSITION OF SUBSIDIARY BODIES

17. Participation as a member of a HONLEA meeting has been determined with reference to the membership of a State in one of the regional economic commissions of the United Nations, in accordance with Council resolution 1992/28. Thus, in the case of HONLEA, Africa, the 52 States that take part in the work of the Economic Commission for Africa are invited to attend as members; the same principle is applied to the 42 States members of the Economic Commission for Latin America and the Caribbean, the 46 States members of the Economic Commission for Europe, and the 48 States members of the Economic Commission for Asia and the Pacific.

18. In contrast to the regional HONLEA meetings, the membership of the Subcommission has always been specified by the Council in resolutions or decisions recommended to it by the Commission. The Subcommission initially consisted of Afghanistan, Iran (Islamic Republic of), Pakistan, Sweden and Turkey. Through the years it has been enlarged to include Azerbaijan, Bahrain, Egypt, India, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Uzbekistan and Yemen. There are thus 20 States currently members of the Subcommission.

19. The number of observers varies from one body to the next. Currently, any State that is not a member of the subsidiary body (in other words, of the relevant regional economic commission), and that is interested in participating in a meeting of the subsidiary body, is invited to attend as an observer, upon request. The Council, in its resolution 1992/28, reiterated that observer status in all subsidiary bodies of the Commission was open to all States requesting such status.

20. As a result mainly of the application of the rule of membership in a regional commission as a yardstick for membership in HONLEAs, the following States are currently members of more than one subsidiary body of the Commission: Azerbaijan, Canada, Egypt, France, India, Iran (Islamic Republic of), Italy, Netherlands, Pakistan, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America.

Notes

[1]Official Records of the Economic and Social Council, 1994, Supplement No. 10 (E/1994/30), chap. II, para. 30.

[2]Official Records of the Economic and Social Council, 1992, Supplement No. 5 (E/1992/25), chap. IV, para. 114.

[3]E/CONF.82/15 and Corr.2.